

REMARKS

Claims 1-12 are currently pending in the application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. (US Patent No. 5,712,989) in view of Pape et al. (US Patent No. 6,505,094). This rejection is respectfully traversed.

In rejecting the claims, the Office Action states:

As per claims 1, 5, and 9, Johnson discloses a method for fulfilling orders, comprising the steps of: receiving a product order [see abstract (e.g. the system proposes a purchase or transfer order)], wherein the order specifies product types and quantity [see column 2, lines 22-26 (e.g. optimum *quantity of the item*), and see flowchart of figure 3 (e.g. **block 213**)]; printing a document [see flowchart of figure 1, via **printer 43**] that lists the content of the order and includes an order identification code [see column 11, lines 15-23, column 13, lines 32-37, and see flowchart of figure 4A (as shown in **step 246**)]; receiving an input of the order identification code, receiving an input of a product identification code taken from a physical product [see column 7, lines 40-67, and table 3, columns 24 and 25 (e.g. **physical inventory** adjustment)]; comparing the product identification code with the product order [via host computer 10, column 14, lines 29-47, and see flowchart of figure 4B (e.g. **block 254**)]; if the product corresponding to the product identification code is part of the order, confirming acquisition of the product and entering it toward completion of the order [see flowchart of figure 5B (e.g. **block 372**), and column 28, lines 10-23]; if the product corresponding to the product identification code is not part of the order, returning an error signal [see flowchart of figure 6A (e.g. **block 388**)]; repeating steps (d) through (g) until the specified quantity of each product type in the order is entered, and returning an error signal if more than the specified quantity of any product in the order is input [see flowchart of figure 6A (e.g. **block 392**), and see flowchart of figure 6B (blocks 400-410)].

Johnson does not explicitly disclose completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity.

However, Pape discloses completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity [see flowchart of figure 5A (e.g. **block 615**), via control system 400].

Therefore, it would have been obvious to one of ordinary art [sic] at the time of the [sic] invention was made to modify Johnson's invention to include Pape's shipping printing method. The motivation to combine will provide build-to-order products and direct shipment of products to customer [see summary of the

invention]. (Emphasis in the original)

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). A proper *prima facie* case of obviousness cannot be established by combining the teachings of the prior art absent some teaching, incentive, or suggestion supporting the combination. *In re Napier*, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995); *In re Bond*, 910 F.2d 831, 834, 15 U.S.P.Q.2d 1566, 1568 (Fed. Cir. 1990).

Claim 1 recites:

1. A method for fulfilling orders, the method comprising the computer implemented steps of:
 - (a) receiving a product order, wherein the order specifies product type and quantity;
 - (b) printing a document that lists the content of the order and includes an order identification code;
 - (c) receiving an input of the order identification code,
 - (d) receiving an input of a product identification code taken from a physical product;
 - (e) comparing the product identification code with the product order;
 - (f) if the product corresponding to the product identification code is part of the order, confirming acquisition of the product and entering it toward completion of the order;
 - (g) if the product corresponding to the product identification code is not part the order, returning an error signal;
 - (h) repeating steps (d) through (g) until the specified quantity of each product type in the order is entered, and returning an error signal if more than the specified quantity of any product in the order is input; and
 - (i) completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity.

For purposes of the present discussion, claims 5 and 9 recite similar limitations.

A close reading of Johnson reveals that it does in fact not teach or suggest the limitations of the present invention attributed to it by the Examiner.

The Johnson system primarily manages Just in Time (JIT) inventory. Part of the process is determining the necessary replenishment of inventory items:

The system of the present invention also utilizes means for automatically determining which items in the JIT inventory are likely to require replenishment. The system then proposes a purchase or transfer order for an optimum quantity of

the item, which the CSR may accept or modify. (Col. 2, lines 22-26)

Johnson does not teach the limitations of the claimed invention. Claim 1 covers fulfilling a product order. In contrast, the above section of Johnson clearly describes generating a replenishment order for inventory.

Regarding the requisition process, Johnson teaches:

For items of product type 05, the CSR will create an order record or document ordering the item on behalf of the customer or confirming an order placed on behalf of the customer (e.g., by telephone to the designated vendor).

For items of product type 05, the CSR may order the item for the Customer. **These orders are not placed or filled using the system of the present invention**, although data regarding these transactions may be entered on Non-Catalog Information data screen 80 to record these transactions. Instead, either the proposed purchase order record is uploaded into the customer's computer for processing or a document is printed at local printer 43 for signature and action by the customer's purchasing agent or the CSR confirms that the order has been placed with the designated vendor by some other means. (col. 11, lines 9-23) (emphasis added)

As can be seen above, Johnson does not teach the same pick-to-ship steps as those recited in claim 1.

Regarding the Examiner's reference to Table 3 (col. 24-25), this table does not in fact relate to the entry of an order identification code, but rather to explanation codes used by a customer service representative to manually adjust inventory numbers:

From time to time, the CSR may need to adjust the value of the quantity on hand of a particular item in JIT facility 51. This can done using the Inventory Adjustment data screen, a sample of which is set forth in Table VIII. Using the Inventory Adjustment data screen, the CSR may adjust the quantity of an item of product type 01 or 06 up or down by entering PART NUMBER, PLANT CODE (which identifies the JIT facility), TOTAL BIN QTY (the quantity in the relevant bin in JIT facility 51) and the amount of the adjustment in the PLUS or MINUS fields under the ADJUSTMENT QTY heading. The CSR must also enter a REASON CODE indicating the reason for the adjustment in the appropriate field. Exemplary reason codes are set forth in Table 3: (col. 24, lines 45-58)

Furthermore, the sections related to sourcing teach:

The sourcing of product types 03 and 04 at host computer 10 is described in connection with FIG. 4D. In step 300, host computer 10 receives a data block from local computer 40. By accessing the product type (PT) field for a given line in a received block of requisition data, host computer 10 can readily determine the

product type of that line. Assuming that the line is of product type 03, control passes through block 301 to decision block 302. In block 302, host computer 10 determines if the received stock number (STOCK NBR) for the line of requisition data block being processed is a valid Distributor catalog number. Host computer 10 performs this action by comparing the stock number (STOCK NBR) to series of databases described below in connection with cross referencing containing all valid catalog numbers which are stored in host database 20. If the stock number is not recognized, host computer creates a data block with an unrecognized product error code in step 304. This data block is transmitted to local computer 40 in step 312. (Col. 14, lines 29-47)

The above sections describe a process that occurs as a prerequisite to the printing of a pick slip for warehouse personnel. This process determines the availability and source of inventory before the warehouse picking slip is printed. In contrast, the relevant steps in claim 1 occur after the picking slip has been printed and is part of the process of verifying that the physical product picked by warehouse personnel matches the identification code on the printed the product order.

The next section cited by the Examiner relates to the generation of inventory replenishment orders:

An exemplary replenishment algorithm may employ two steps, as follows. First, a determination is made as to whether or not to restock the inventory for each item having a Plant Location Table entry. If the quantity available (the quantity on hand (QTY ON HAND)) is less than or equal to the REORDER POINT, then the inventory for the item will be restocked.

Local computer 40 then creates a Replenishment Results Table in the random access memory of local computer 40. There will be one transfer order entry in the Replenishment Results Table for each part to be restocked. Each transfer order entry contains the following information: the relevant part number, product type, the plant location, the restocking source location, maximum order quantity, minimum order quantity, back order quantity, reorder point, quantity on hand and quantity on order from the relevant tables in local database 50. (Col. 27, lines 23-39)

Local computer 40 assigns each transfer order a unique identifying Replenishment Number. For each transfer order, local computer 40 creates and stores a Transfer Order Header Table in local database 50 using the Replenishment Number in local database 50. Local computer 40 then uses the data in the Replenishment Results Table to create and store in local database 50 a Transfer Order Item Table using the procedure described above. The Transfer Order Item Table includes the same information for each item in the Replenishment Results Table that was in the latter table with the addition of the Replenishment Number. Local computer 40 then displays a message on the

message line of the currently active data screen to indicate that the replenishment program has been completed. (Col. 28, lines 10-23)

This section of Johnson relates to the creation of an inventory replenishment order, whereas the steps in claim 1 cover the fulfillment of a product order.

It is doubtful that the Examiner's proposed combination of Johnson and Pape is even technically or logistically feasible, since Pape relates to a manufacturing facility that provides build-to-order products with direct shipment to customers. However, for the sake of argument, even assuming the Examiner's proposed combination of Johnson and Pape, the resulting combination still would not produce all of the limitations of claims 1, 5, and 9 for the reasons stated above regarding Johnson's teachings.

II. Response to Arguments

In response to the above arguments, the Examiner replies:

A) Applicants argue that the proposed combination of Johnson and Pape does not produce all of the limitations of claims 1, 5, and 9. The Examiner respectfully disagrees. Johnson's system proposes a purchase or transfer flowchart of figure 3 describes an order that specifies a product type and quantity. Johnson also discloses a printer 43 that is also attached to local computer 43 [sic] for printing a document that lists the content of the order and includes an order identification code [see above rejection]. Johnson further discloses a host computer 10 for comparing the product identification code with the product order, which is described in the flowchart of figure 4B. Johnson's flowchart of figure 5B describes programs employed by an embodiment of the system to accept a sourced requisition by confirming acquisition of the product and entering it toward completion of the order.

Johnson does not explicitly disclose printing a shipping label. However, Pape discloses a manufacturing control system 400 preferable prints [sic] the shipping labels for completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity [see flowchart of figure 5A, block 615]. Therefore, Applicant's arguments are deemed nonpersuasive.

The Examiner has mischaracterized the processes described by the flowcharts in Figures 3 and 4B of Johnson. Both of these processes relate to the creation of product orders and the cross referencing of those product orders with available inventories. These processes determine the availability and source of inventory before the order is finalized.

In contrast to Johnson, claim 1 covers the steps that occur after an order has been

finalized. The issue of available inventory versus orders is not covered by the limitations of claim 1.

Because claims 2-4, 6-8, and 10-12 depend from claims 1, 5 and 9, respectively they are distinguished from Johnson and Pape for the reasons stated above.

Therefore, it is respectfully urged that the rejection of claims 1-12 under 35 U.S.C. § 103 has been overcome and should be withdrawn.

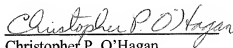
III. Conclusion

It is respectfully submitted that the claims are now in condition for allowance and are patentable over the cited prior art reference.

A first Office Action on the merits is now respectfully awaited. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact David W. Carstens at 972.367.2001.

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Respectfully submitted,



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